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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,353	06/18/2001	Glenn R. Engel	10003415-1	2420

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EXAMINER

PATEL, NIKETA I

ART UNIT

PAPER NUMBER

2182

DATE MAILED: 04/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/884,353	ENGEL ET AL.	
	Examiner	Art Unit	
	Niketa I. Patel	2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 18 January 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-20 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 18 June 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 4, 6, 9, 13 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Reichmeyer et al. U.S.

Patent Number: 6,286,038 B1 (hereinafter referred to as "Reichmeyer".)

3. **Referring to claims 1, 13, Reichmeyer teaches a system and a method for device configuration, comprising: device that transfers a request message via a communication network [see column 3, lines 23-29, 47-54 and column 4, lines 4-43 and column 6, lines 5-17]; configuration server that receives the request message via the communication network and in response transfers a response message to the device via the communication network wherein the response message includes a set of configuration data that pertains to a set of behaviors of the device [see**

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column 3, lines 23-29, 47-54 and column 4, lines 4-43 and column 6, lines 5-17.]

4. **Referring to claims 4, 16,** Reichmeyer teaches a system and a method wherein the request message includes a set of data obtained by the device when performing a set of device behaviors [see column 3, lines 23-29, 47-54 and column 4, lines 4-43 and column 6, lines 5-17.]

5. **Referring to claim 6,** Reichmeyer teaches a system further comprising a workstation that transfers the configuration data to the configuration server [see column 2, lines 45-64.]

6. **Referring to claim 9,** Reichmeyer teaches a system further comprising a local network that enables communication among the device and a set of additional devices [see column 3, lines 42-54.]

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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8. Claim 2-3, 5, 14-15, 17-18 rejected under 35 U.S.C. 103(a) as being unpatentable over Reichmeyer et al. U.S. Patent Number: 6,286,038 B1 (hereinafter referred to as "Reichmeyer".)

9. Referring to claims 2, 3, 14, 15, Reichmeyer teaches that request messages are communicated via a network [see column 3, lines 23-29, 47-54 and column 4, lines 4-43 and column 6, lines 5-17] however does not set forth the limitation of the request message comprises an HTTP POST command request and an HTTP GET command request.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that it was old and well known in the computer art to get the advantage of being able to move variety of data across a variety of platforms seamlessly over the network by using HTTP POST and HTTP GET commands. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include HTTP POST and HTTP GET commands to get this advantage.

10. Referring to claims 5, Reichmeyer teaches a system for device configuration, comprising: device that transfers a request message via a communication network [see column 3, lines 23-29, 47-54 and column 4, lines 4-43 and column 6, lines 5-17] however does not set forth the limitation of a system wherein

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the request message includes a heartbeat indicator for the device.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that it was old and well known in the computer art to get the advantage of making server aware of a status of networked devices connected thereto by periodically sending heartbeat massage. It would have been obvious to one or ordinary skill in the art at the time of applicant's invention to include heartbeat message to get this advantage.

11. **Referring to claims 17, 18,** Reichmeyer teaches a method for device configuration, comprising: device that transfers a request message via a communication network [see column 3, lines 23-29, 47-54 and column 4, lines 4-43 and column 6, lines 5-17] however does not set forth the limitation of a method wherein the step of transferring a request message that includes a heartbeat indicator comprises the step of transferring the request message with the heartbeat indicator at a random time.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that it was old and well known in the computer art to get the advantage of making server aware of a status of a network device connected thereto by periodically sending heartbeat massage. It would have been

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obvious to one of ordinary skill in the art at the time of applicant's invention to include heartbeat message to get this advantage.

12. Claims 7-8, 10-12 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reichmeyer et al. U.S. Patent Number: 6,286,038 B1 (hereinafter referred to as "Reichmeyer") as applied to claims 1 and 13 above, and further in view of Kobata et al. U.S. Patent Number: 6,591,367 (hereinafter referred to as "Kobata".)

13. **Referring to claim 7,** Reichmeyer teaches a system and a method for device configuration, comprising: device that transfers a request message via a communication network [see column 3, lines 23-29, 47-54 and column 4, lines 4-43 and column 6, lines 5-17.] Reichmeyer does not set forth the limitation of a system wherein the configuration server sets a configuration pending indicator when the configuration data is received from the workstation however Kobata teaches this limitation [see Kobata column 4, lines 22-33.]

One of ordinary skill in the art at the time of applicant's invention would have clearly recognized that it is quite advantageous for the device configuration system of Reichmeyer for providing protection from unauthorized use of data by a

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system. It is for this reason that one of ordinary skill in the art would have been motivated to use configuration pending indicator to provide protection from unauthorized use of data by a system.

14. **Referring to claim 8,** teachings of Reichmeyer as modified by teachings of Kobata above teaches, a system wherein the configuration server transfers the configuration data to the device in the response message along with an acknowledgment to the request message if the configuration pending indicator is set and transfers the acknowledgment to the device otherwise [see Kobata column 4, lines 22-33.]

15. **Referring to claim 10,** Reichmeyer teaches a system for device configuration, comprising: device that transfers a request message via a communication network [see column 3, lines 23-29, 47-54 and column 4, lines 4-43 and column 6, lines 5-17.] Reichmeyer does not set forth the limitation of a system wherein the request message includes a configuration change message that indicates that a specified one of the additional devices has a set of pending configuration data on the configuration server however Kobata teaches this limitation [see Kobata column 4, lines 22-33.]

One of ordinary skill in the art at the time of applicant's invention would have clearly recognized that it is quite

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advantageous for the device configuration system of *Reichmeyer* for providing protection from unauthorized use of data by a system. It is for this reason that one of ordinary skill in the art would have been motivated to use configuration pending indicator to provide protection from unauthorized use of data by a system.

16. **Referring to claim 11,** teachings of *Reichmeyer* as modified by teachings of *Kobata* above teaches, a system wherein the device transfers the configuration change message to the specified one of the additional devices via the local network [see *Reichmeyer* see column 3, lines 23-29, 47-54 and column 4, lines 4-43 and column 6, lines 5-17.]

17. **Referring to claim 12,** teachings of *Reichmeyer* as modified by teachings of *Kobata* above teaches, a system wherein the specified one of the additional devices obtains the pending configuration data by transferring an additional request message to the configuration server via the communication network [see *Kobata* column 4, lines 22-33.]

18. **Referring to claim 19,** *Reichmeyer* teaches a method for device configuration, comprising: device that transfers a request message via a communication network [see column 3, lines 23-29, 47-54 and column 4, lines 4-43 and column 6, lines 5-17.] *Reichmeyer* does not set forth the limitation of a method wherein

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the step of transferring a request message comprises the step of transferring a request message includes a configuration change message that indicates that a set of pending configuration data is available however *Kobata* teaches this limitation [see *Kobata* column 4, lines 22-33.]

One of ordinary skill in the art at the time of applicant's invention would have clearly recognized that it is quite advantageous for the device configuration system of *Reichmeyer* for providing protection from unauthorized use of data by a system. It is for this reason that one of ordinary skill in the art would have been motivated to use configuration pending indicator to provide protection from unauthorized use of data by a system.

19. Referring to claim 20, teachings of *Reichmeyer* as modified by teachings of *Kobata* above teaches, a method further comprising the step of obtaining the pending configuration data by transferring an additional request message via the communication network [see *Kobata* column 4, lines 22-33.]

Response to Arguments

20. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following documents have been made record of to further show the state of the art as it pertains to remotely controlling networked devices:

Giniger et al. U.S. Patent Number: 6,751,729 B1

Craig et al. U.S. Patent Number: 6,598,037 B1

Craig et al. U.S. Patent Number: 6,513,112 B1

Carcerano et al. U.S. Patent Number: 6,308,205 B1

Frailong et al. U.S. Patent Number: 6,496,858 B1

Nixon et al. U.S. Patent Number: 6,704,737 B1

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action

is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niketa I. Patel whose telephone number is (571) 272 4156. The examiner can normally be reached on M-F 8:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on (571) 272 4146. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NP
04/12/2005


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